88

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

---

**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.**

---

**Writ Petition (Cr.) No. 4568 of 2006**

**PETITIONERS**

1. Smt. Rita Mishra, W/o Shri Ahsok Mishra, Aged about 35 years, owner of Light Carriage Vehicle, Tata 207, Registration Number CG-04/G-9573, resident of Usha Industries, Samta Colony, Raipur, Tahsil & District Raipur (CG).
2. Ashok Mishra, S/o Bansidhar Mishra, Aged about 38 years, Occupation Businessman, resident of Usha Industries, Samta Colony, Raipur, Tahsil & District Raipur (CG).

Versus

**RESPONDENTS**

1. The State of Chhattisgarh, through the Secretary, Forest and Environmental Department, Mantralaya, D.K.S. Bhawan, Raipur (CG).
2. The Conservator of Forest, Kanker Forest Circle, Kanker (CG).
3. The Authorized officer-cum-Sub Divisional Officer, Forest Bhanupratappur, District North Bastar Kanker (CG).
4. The Enquiry Officer-cum-Forest Range Office, Durgukondal Range, District North Bastar Kanker (CG).

---

Present : Shri Shrawan Agrawal, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State.

---

**ORAL ORDER**
**(Passed on 28th August, 2006)**

This writ petition arises out of an application made by the petitioner for interim custody of the motor vehicle alleged to have been involved in the commission of offence under the Chhattisgarh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969. The confiscation proceedings initiated by

89

the Authorized Officer are still pending. The petitioner moved an application on 10-01-2006 before the Authorized Officer for release of the subject motor vehicle to his interim custody pending termination of the main proceedings. It is stated at the Bar by the learned counsel for the petitioner that that application is not yet disposed of by Authorized Officer. In the circumstance, it appears that the petitioner moved another application styled as 'appeal' before the Conservator of Forest, Kanker Circle, Kanker, the second respondent herein, for interim custody of the vehicle. That application/appeal was rejected by order dated 04-07-2006 (Annexure-P/13) of the appellate authority.

Being aggrieved by the refusal of the second respondent to release the subject motor vehicle to the interim custody of the petitioner, this writ petition is filed.

Heard learned counsel for the parties.

Having regard to serious nature of the offence alleged against the petitioner and since the second respondent refused to release the vehicle, I think it is not just and appropriate to give interim custody of the subject motor vehicle to the petitioner pending conclusion of the proceedings by the Authorized Officer. On the other hand, ends of justice will be met by directing the Authorized Officer to conclude and pass appropriate order within a reasonable time-frame. Therefore, I dismiss the writ petition. However, the third respondent-Authorized Officer is directed to dispose of the confiscation proceedings initiated by him, if not already done, as expeditiously as possible, in any event within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-
Chief Justice

Pathak